

1745

**WSGL WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP***Intellectual Property Law*  
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AUG 17 2004

**FACSIMILE COVER SHEET**

OFFICIAL

DATE: August 17, 2004

TO: Examiner Raymond Alejandro  
TC Art Unit: 1745

Fax No.: (703) 872 9306

FROM: Charles L. Gagnebin, III

No. of pages transmitted  
(including this page): 3

Our File: VER-153XX

Time:

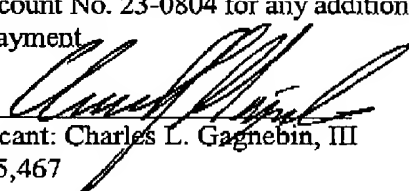
Your Ref:

Sent by: Rose

Application No. 09/980,106

Filed Date: April 9, 2002

Confirmation No.: 1182

A confirmation copy of this transmission will not be mailed unless the following is checked: ☐  
MESSAGEPLEASE DELIVER DIRECTLY TO:  
EXAMINER Raymond Alejandro, Tel. (571) 272 1282  
TC ART UNIT NO: 1745**FOR ENTRY**Enclosed for filing please find a: **Notice of Appeal**The Commissioner is hereby authorized to Charge Deposit Account No. 23-0804 for any additional  
filing fees associated with this communication or credit any overpayment  
Attorney for Applicant: Charles L. Gagnebin, III  
Registration No. 25,467

310209-1

THIS MESSAGE MAY CONTAIN CONFIDENTIAL OR PRIVILEGED INFORMATION INTENDED ONLY  
FOR THE PERSON(S) IDENTIFIED ABOVE. IF IT HAS BEEN RECEIVED AT ANY OTHER PLACE OR HAS  
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AUG 17 2004

Application No.: 09/980,106  
Filed: April 9, 2002  
TC Art Unit: 1745  
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Rev 06/04

WEINGARTEN, SCHURGIN, GAGNEBIN &amp; LEBOVICI LLP

Ten Post Office Square  
Boston, Massachusetts 02109  
Telephone: (617) 542-2290  
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OFFICIAL

Date: August 17, 2004

Via Facsimile

COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, VA 22313-1450

Attorney

Docket No.: VER-153XX

Sir:

In re application of: Anton Scholten et al

Entitled: FUEL CELL SYSTEM FOR GENERATING ELECTRIC ENERGY AND HEAT

Transmitted herewith is a Notice of Appeal in the above-identified application. The following checked items are applicable:

- ☐ This is a Request for Continued Examination under §1.114; authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of same (\$ ) per §1.17(e).
- ☐ Enter the unentered amendment previously filed on \_\_\_\_\_ per §1.116.
- ☐ A Petition for Extension of Time for a \_\_\_\_\_ month is hereby made under §1.136(a); authorization is provided herewith to charge Deposit Account No. 23-0804 for the differential cost of same (\$ ) per §1.17.
- ☒ In the event a Petition for Extension of Time is required by this paper and not otherwise provided, such Petition is hereby made and authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of such extension.
- ☐ Other:

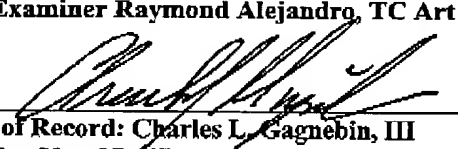
CLAIMS AFTER AMENDMENT:	MINUS PRIOR PAID CLAIMS:	EQUALS PRESENT EXTRA CLAIMS:	RATE:	ADDITIONAL FEE:
Independent	4 - 5	= 0	x \$86.00 =	-0-
Total	4 - 28	= 0	x \$18.00 =	-0-
<input type="checkbox"/> Multiple Dependent Claims (1st presentation)			+ \$290.00 =	-0-
SUBTOTAL ADDITIONAL FEE				-0-
Small Entity filing, divide by 2. Small Entity status must be asserted.				N/A
TOTAL ADDITIONAL FEE				-0-

- ☒ No additional fee. ☐ The fee has been calculated above; authorization is provided herewith to charge Deposit Account No. 23-0804 (\$ ) for the cost of same.
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees under §1.16 associated with this communication or credit any overpayment to Deposit Account No. 23-0804.

I hereby certify that this correspondence is being sent via facsimile to Examiner Raymond Alejandro, TC Art Unit 1745, Fax No. (703) 872 9306, on 8-17-04.

SUBMIT IN TRIPLICATE

CLG/raw 310196-1

  
 Attorney of Record: Charles L. Gagnebin, III  
 Registration No.: 25,467

09/980,106  
Filed: April 9, 2002  
TC Art Unit: 1745  
Confirmation No.: 1182

WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP  
Ten Post Office Square  
Boston, Massachusetts 02109  
Telephone: (617) 542-2290  
Telecopier: (617) 451-0313

Date: August 17, 2004

Attorney  
Docket No.: VER-153XX

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF APPEALS

In re application of: Anton Scholten et al.

Entitled: FUEL CELL SYSTEM FOR GENERATING ELECTRIC ENERGY AND HEAT

VIA FACSIMILE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated August 9, 2004 of the Examiner finally rejecting claims 1-4, 8, 11 and 14-19.

Authorization is provided herewith to charge Deposit Account No. 23-0804 in the amount of \$330.00 to cover the Notice of Appeal fee.

The following checked items are appropriate:

A timely response to the final rejection:

☒ [X] has been filed on 7/15/2004 ☐ [ ] is hereby filed

An extension of time to respond to the final rejection:

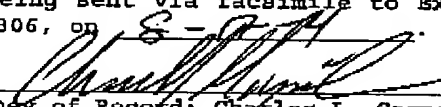
1. ☒ [X] was requested on August 5, 2004 for 3rd month;
2. ☐ [ ] is hereby requested for \_\_\_ month(s) and a check in the amount of \$ \_\_\_\_\_ for the extension fee is enclosed.
3. ☐ [ ] is included on the enclosed amendment transmittal form along with authorization to the Deposit Account for associated extension fee.

☒ [X] In the event a Petition for Extension of Time is required by this paper and not otherwise provided, such Petition is hereby made and authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of such extension.

☐ [ ] The Commissioner is hereby authorized to charge payment of any additional filing fees under \$1.16 associated with this communication or credit any overpayment to Deposit Account No. 23-0804.

I hereby certify that this correspondence is being sent via facsimile to Examiner Raymond Alejandro, TC Art Unit 1745, Fax No. (703)872-9306, on 8-17-04.

SUBMIT IN TRIPLICATE  
CLG/raw 310195-1

  
Attorney of Record: Charles L. Gagnebin, III  
Registration No.: 25,467